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State
Assn

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

**PENNSYLVANIA PROTECTION AND
ADVOCACY, INC.**

Plaintiff

v.

DEPARTMENT OF PUBLIC WELFARE, et al.: (Judge Caldwell)

Defendants

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No. 1:00-CV-01582

FILED
HARRISBURG, P

MAY 20 2002

MARY E. D'ANDREA, C
Per 176 Deputy Clerk

**DEFENDANTS' SECOND UNOPPOSED MOTION FOR
ENLARGEMENT OF TIME TO FILE REPLY BRIEF**

Defendants hereby move the court pursuant to Fed. R. Civ. P. 6 (b), for a second enlargement of time in which to file their reply brief in support of their motion for summary judgment. In support of this motion, defendants assert the following:

1. On or about January 14, 2002, plaintiff filed a motion for partial summary judgment. Along with the motion, plaintiff filed a supporting brief and a statement of material facts. Defendants filed a motion for summary judgment on February 11, 2002.
2. On April 15, 2002, defendants filed a brief in support of their motion for summary judgment and in opposition to plaintiff's motion for partial summary judgment.
3. On May 6, 2002, plaintiff filed a brief in opposition to defendants'

motion for summary judgment and reply brief in support of plaintiff's motion for partial summary judgment.

4. Pursuant to Local Rule 7.7, defendants are permitted to file a brief in reply to matters argued in the brief in opposition to defendants' motion for summary judgment.
5. Defendants sought and received a four-day enlargement of time until May 24, 2002 to file their reply brief.
6. Defendants based their request for an enlargement on the situation of the attorney primarily responsible for preparing the reply brief, Thomas J. Blazusiak. Mr. Blazusiak is presently caring for his wife who is undergoing chemotherapy.
7. Caring for his wife has taken more of Mr. Blazusiak's time than he anticipated. Therefore defendants are requesting an additional enlargement until May 31, 2002 to file their reply brief.
8. Counsel for plaintiff has concurred in this motion.

WHEREFORE, defendants respectfully request an enlargement of time of seven days or until May 31, 2002, to file their reply brief in support of their motion for summary judgment.

Respectfully submitted,

D. MICHAEL FISHER
Attorney General

BY:

A handwritten signature in black ink, appearing to read "Michael L. Harvey", is written over a horizontal line.

MICHAEL L. HARVEY
Senior Deputy Attorney General

SUSAN J. FORNEY
Chief Deputy Attorney General
Chief, Litigation Section

15th Floor, Strawberry Square
Harrisburg, PA 17120
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DATE: May 20, 2002

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

**PENNSYLVANIA PROTECTION AND
ADVOCACY, INC.**

Plaintiff

v.

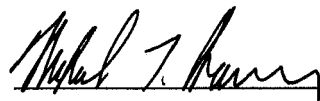
DEPARTMENT OF PUBLIC WELFARE, et al.: (Judge Caldwell)

Defendants

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: No. 1:00-CV-01582
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CERTIFICATE OF CONCURRENCE

I, Michael L. Harvey, Senior Deputy Attorney General, hereby certify that
concurrence was sought from plaintiff's counsel, who has concurred in the motion.



MICHAEL L. HARVEY
Senior Deputy Attorney General

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

**PENNSYLVANIA PROTECTION AND
ADVOCACY, INC.**

Plaintiff

v.

DEPARTMENT OF PUBLIC WELFARE, et al.: (Judge Caldwell)

Defendants

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No. 1:00-CV-01582

CERTIFICATE OF SERVICE

I, Michael L. Harvey, Senior Deputy Attorney General for the Commonwealth of Pennsylvania, Office of Attorney General, hereby certify that on this date, I caused to be served a true and correct copy of the foregoing by depositing it in the United States mail, first-class postage prepaid to the following:

Robert W. Meek
Disabilities Law Project
1315 Walnut Street
Suite 400
Philadelphia, PA 19107

Mark J. Murphy
Disabilities Law Project
1901 Law and Finance Building
429 Fourth Avenue
Pittsburgh, PA 15219-1505



MICHAEL L. HARVEY
Senior Deputy Attorney General

DATE: May 20, 2002